

REMARKS

The Examiner objected to Figures 5-37 for not showing the sources and destinations. The Examiner rejected claims 67-83 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. The Examiner rejected Claims 14, 16, 18, 23, 27, 30, 38, 55, 56, 65, and 84 under 35 U.S.C. § 102(b) as being anticipated by Patent Number 5,105,372 (Provost). The Examiner objected to Claims 1, 6-8, 10-12, 31-37, 49, 50, 58-61, 66, 67, 72-74, 76, 81-83, 85-88, 93, and 99-101 for containing informalities. Such rejections and objections are noted. The Examiner allowed Claims 1-13, 51-54, and 57-64. The Examiner stated that Claims 15, 17, 19-22, 24-26, 28, 29, 31-37, 39-50, 66, and 85-92 would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. The Examiner stated that claims 93-101 would be allowable if rewritten or amended to overcome the objections.

Claims 15, 17, 31, 39, 66, 85, and 93 have been amended and Claims 14, 16, 18-30, 38, 55, 56, 65, 67-84, and 89-92 have been cancelled, without prejudice. Applicant respectfully submits that Claims 1-13, 15, 17, 31-37, 39-54, 57-64, 66, 85-88, and 93-101 are allowable.

Objections to the Drawings

Applicants thank the Examiner for objecting to drawing Figures 5-37. A review of the figures shows typographical errors, which Applications hereby correct by submitting replacement drawings.

Figure 5 provides detailed information of the steps performed by the first block **402** shown in Figure 5. As illustrated in Figure 4, the first block **402** identifies the first step or function performed by the processor **126**, namely, to load, or retrieve, the data **402**. Figure 5 has been amended to correct a typographical error by removing the line depicting an input to the first block **502** representing the first step performed by the first step **402** illustrated in Figure 4. Accordingly, the first step **502** does not have an input. Applicants note that the line exiting block **512** that exits the step **402** is correctly depicted as the output of step **402** connects to step **404**, as illustrated in Figure 4.

Figure 6 provides detailed information of the steps performed by the first block **502** shown in Figure 5. As illustrated in Figure 5, the first block **502** identifies the first step or function performed by the processor **126**, namely, to load, or retrieve, the data **402**. Figure 6 has been amended to correct a typographical error by removing the line depicting an input to the first block **602** representing the first step performed by the first step **502** illustrated in Figure 5.

Figure 9 provides detailed information of one embodiment of the steps performed by the blocks **802, 804, 806, 808, 810, 812, 814, and 816** illustrated on Figure 8. The subroutine illustrated in Figure 9 calculates an average value. Figure 9 has been amended to correct a typographical error by removing the line exiting step **910** because the last step of the illustrated routine does not require execution of another step; therefore, there is no destination that needs to be illustrated.

The Examiner also objected to Figures 7-8 and 10-37 for not showing the source and destination of the block diagram. Applications respectfully draw the Examiner's attention to the box, shown with a dashed line, surrounding the step of the block diagram depicted in each figure. Each box has an identification number that refers to another figure which shows an arrangement of various blocks, and that figure shows the source and destination, as appropriate, for the illustrated box. In other words, Applications have arranged the figures in a standard block diagram format in which Figure 4 shows a block diagram at the highest level. Other figures, such as Figure 5, illustrate one of the blocks in the higher level block diagram and the source and destination, as appropriate, for the block in the higher level. Further, Applicants refer the Examiner to MPEP Section 608.02, which reproduces a portion of 37 C.F.R. 1.84(h)(2) regarding partial views and how it is acceptable to use a smaller scale view to show the relationship of the figures which show an enlarged or more detailed view. Accordingly, Applicants respectfully submit that the drawings are complete and accurately depict Applicants invention as claimed and the source and destination of the various blocks are shown when the drawings are considered together.

In view of the amendment of Figures 5, 6, and 9, and the above explanation of the organization of the drawings, Applicants respectfully request that the Examiner withdraw his objection to the drawings.

Rejection Under 35 U.S.C. § 101

The Examiner rejected Claims 67-83 under 35 U.S.C. § 101 as claiming an invention directed to non-statutory subject matter. Applicants respectfully submit that the language questioned by the Examiner clearly describes the scope of the invention claimed by the Applicants.

However, Applicants have cancelled, without prejudice, the rejected claims in order to expedite the allowance of the present Application. Applicants reserve the right to argue the allowability of the cancelled claims in a later filed continuation application.

Rejection Under 35 U.S.C. § 102(b)

Addressing the Examiner's rejection of Claims 14, 16, 18, 23, 27, 30, 38, 55, 56, 65, and 85 under 35 U.S.C. § 102(b), Applicant respectfully suggests that Provost does not anticipate the claims of the present invention.

However, Applicants have cancelled, without prejudice, the rejected claims in order to expedite the allowance of the present Application. Applicants reserve the right to argue the allowability of the cancelled claims in a later filed continuation application.

Claims with Objections

The Examiner objected to Claims 15, 17, 19-22, 24-26, 28, 29, 31-37, 39-50, 66, and 85-92 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. The Examiner stated that claims 93-101 would be allowable if rewritten or amended to overcome the objections.

Dependent Claim 15 has been rewritten and re-presented in independent form as an amendment to Claim 15. The amended Claim 15 includes the limitations of

Claim 14, along with the limitations of Claim 15. Applicants respectfully submit that Claim 15 is in condition for allowance.

Dependent Claim 17 has been rewritten and re-presented in independent form as an amendment to Claim 17. The amended Claim 15 includes the limitations of Claim 14, along with the limitations of Claim 17. Applicants respectfully submit that Claim 17 is in condition for allowance.

Dependent Claim 31 has been rewritten and re-presented in independent form as an amendment to Claim 31. The amended Claim 31 includes the limitations of Claim 14, along with the limitations of Claim 31. Because Claims 32-37 depend from Claim 31, Applicants respectfully submit that Claims 31-37 are in condition for allowance.

Dependent Claim 39 has been rewritten and re-presented in independent form as an amendment to Claim 39. The amended Claim 39 includes the limitations of Claim 14, along with the limitations of Claims 38 and 39. Because Claims 40-50 depend from Claim 39, Applicants respectfully submit that Claims 39-50 are in condition for allowance.

Dependent Claim 66 has been rewritten and re-presented in independent form as an amendment to Claim 66. The amended Claim 66 includes the limitations of Claim 65, along with the limitations of Claim 66. Applicants respectfully submit that Claim 66 is in condition for allowance.

Dependent Claim 85 has been rewritten and re-presented in independent form as an amendment to Claim 85. The amended Claim 85 includes the limitations of Claim 84, along with the limitations of Claim 85. Because Claims 86-88 depend from Claim 85, Applicants respectfully submit that Claims 85-88 are in condition for allowance.

In order to minimize the costs and to expedite the allowance of the Application, Applicants have chosen not to rewrite Claims 19-22, 24-26, 28, 29, and 89-92 and hereby cancel Claims 19-22, 24-26, 28, 29, and 89-92, without prejudice. Applicants reserve the right to re-present the claims in a later filed continuation application.

The Examiner objected to Claims 1, 6-8, 10-12, 31-37, 49, 50, 58-61, 66, 67, 72-74, 76, 81-83, 85-88, 93, and 99-101 for containing informalities. In particular, the Examiner states that the term "recalibrating" does not have an antecedent basis in Claims 1, 6-8, 10-12, 31-37, 49, 50, 58-61, 66, 67, 72-74, 76, 81-83, 85-88, 93, and 99-101 because the term "recalibrating" is used without first using the term "calibrating." Applicants respectfully submit that one skilled in the art recognizes that plant instrumentation is calibrated before being initially placed in service. Any subsequent calibration is typically known as a recalibration. After the first calibration, the terms "calibration" and "recalibration" are typically used interchangeably. Applicants respectfully submit that a close reading of the Specification provides support for the recalibration step as used in the Claims. Accordingly, Applicants respectfully submit that the term "recalibrating" as used in the claims does not require reference to the initial calibration of the instruments.

The Examiner states that Claim 8 includes "414includes", which should be "414." Applicants appreciate the Examiner pointing out this discrepancy in Claim 8 that first appeared in the Response to the Office Action filed on October 24, 2005. Reproduced in this Response is the original Claim 8 as it was submitted in the original application filing, which does not include the extraneous characters "414" that were included in the reproduced Claim 8 that appeared in the Response filed on October 24, 2005. Applicants cannot explain how the extraneous characters appeared in the last submitted Response.

The Examiner states that Claim 93 includes "408a," which should be "a." Applicants appreciate the Examiner pointing out this discrepancy in Claim 93 that first appeared in the Response to the Office Action filed on October 24, 2005. Reproduced in this Response is the original Claim 93 as it was submitted in the original application filing, which does not include the extraneous characters "408" that were included in the reproduced Claim 93 that appeared in the Response filed on October 24, 2005. Applicants cannot explain how the extraneous characters appeared in the last submitted Response.

The Examiner states that Claim 93 includes the phrase "said set of deviating data," which does not have an antecedent basis. Claim 93 has been amended to

correct the typographical error in referring to the set of deviating data. The term "said" has been replaced by the antecedent "a" in the claim. Applicants respectfully submit that the objection for lack of antecedent basis has been overcome by the amendment. Additionally, Applicants have amended Claim 93 to correct a typographical error so that "said data storage unit" correctly refers to "a data storage unit." Applicants respectfully submit that, with the amendment to Claim 93, Claims 93-101 are in condition for allowance.

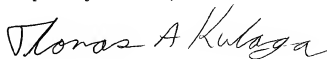
The Examiner states that "RTD" is not further defined in the claims. MPEP sec. 2173.01, on pg. 2100-213, states that "applicants are their own lexicographers," that is, applicants can use terms, and abbreviations, in the claims provided that "any special meaning assigned to a term is clearly set forth in the specification." Applicants respectfully submit that the acronym "RTD" is defined in the specification. The Examiner is referred to Specification paragraphs 007 and 066, both of which define the term RTD. Further, Applicants respectfully submit that one skilled in the art recognizes that RTD is an acronym for resistance temperature device. Also, Applicants performed a search for the term "RTD" in the claims of patents stored in the PTO Internet database and located 181 issued patents that use the term RTD in the claims. A quick survey indicated that the term was not further defined in the claims of many of these patents. Accordingly, Applicants respectfully submit that RTD used in the claims is clearly defined and the meaning is known to those skilled in the art.

Conclusion

In view of the amendment of Claims 15, 17, 31, 39, 66, 85, and 93 and the cancellation, without prejudice, of Claims 14, 16, 18-30, 38, 55, 56, 65, 67-84, and 89-92, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 50-3827 (06024-UPA).

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas A. Kulaga". The signature is written in a cursive, flowing style.

Thomas A. Kulaga
Registration No. 46,844

Knox Patents: Kulaga Law Office, PLLC
P.O. Box 30034
Knoxville, Tennessee 37930-0034
865-470-4212
tkulaga@knoxpatents.com